



IN THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, ALABAMA

THEODORE DAVIS,
Plaintiff,

vs.

ARMSTRONG RELOCATION, Lln,
EDNA DUMAS, MONTGOMERY
POLICE DEPARTMENT, et. al.,

Defendants

) Case No.: CV 04-370
)
) ANSWER OF
) CORPORAL SHELLEY WATTS
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COMES NOW the defendant, Corporal Shelley Watts, in the above-entitled action by
and through undersigned counsel, and in answer to Plaintiff's Amended Complaint, states as
follows:

1. Defendant denies the material allegations contained in the "Facts Common to the
Parties" (paragraphs 1 through 11), as well as Plaintiff's First Claim of Relief through Plaintiff's
Eleventh Claim for Relief (paragraphs 9 [sic] through 138) of Plaintiff's "Amended Complaint
for Breach of Contract, Abuse of Process, Fraud, Unlawful Detainer, Wrongful Eviction,
Slander, Violation of Civil Rights, False Imprisonment and/or Conversion" and, as such,
demands strict proof thereof.

AFFIRMATIVE DEFENSES

2. Defendant pleads as his first affirmative defense that the Complaint is insufficient to
apprise Defendant of the civil crimes or wrongs for which the plaintiff seeks damages such that
the defendant cannot properly and reasonably defend himself.

3. Defendant pleads the general issue.

4. Defendant avers that he is entitled to the discretionary function immunity set out in
§6-5-338 Ala. Code (1975).

5. Defendant pleads absolute and qualified immunity.

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6. Defendant pleads that the official-capacity lawsuit against it is duplicitous and due to be dismissed according the principles laid out in Kentucky v. Graham, 473 U.S. 159, 105 S.Ct. 3099, 87 L.Ed.2d 112 (1985).

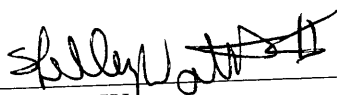
7. Defendant avers that the plaintiff comes before this Court with unclean hands.

8. Defendant claims insufficiency of service of process.

9. Defendant claims insufficiency of process.

10. Defendant reserves the right to amend these affirmative defenses as allowed by the Court.

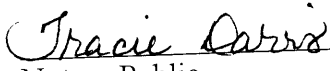
Respectfully submitted,


Shelley Watts
Defendant

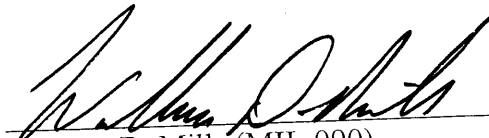
Sworn to and subscribed before me on this the 25th day of January, 2005.

My commission expires:

2/27/2007


Tracie Davis
Notary Public

(Seal)


Wallace D. Mills (MIL 090)
Assistant City Attorney

OF COUNSEL:
City of Montgomery Attorney's Office
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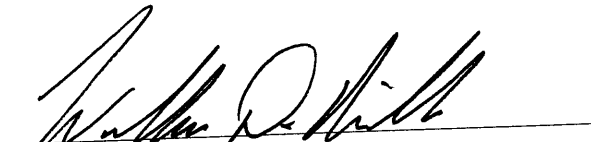
CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by causing it to be placed in the U.S. Mail, postage prepaid and properly addressed on this 24 day of January, 2005 to the following:

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